

REMARKS:

In the outstanding Office Action, the Examiner rejected claims 1, 3-5, 7, 9, 11-13, 21 and 22. Claims 1, 5, 11-13, 21 and 22 are amended herein. Claims 2, 6, 8, 10 and 14-20 remain cancelled. No new matter is presented. Thus, claims 1, 3-5, 7, 9, 11-13, 21 and 22 are pending and under consideration. The rejections are traversed below.

REJECTION UNDER 35 U.S.C. § 103(a):

Claims 1, 3-5, 7, 9, 11-13, 21 and 22 were rejected under 35 U.S.C. § 103(a) as being unpatentable over various combinations of the following: U.S. Patent No. 6,278,885 (Hubbe), U.S. Patent Pub. No. 2001/0053688 (Rignell), U.S. Patent No. 6,484,026 (Hägebarth), U.S. Patent No. 4,975,950 (Lentz) and U.S. Patent Pub. No. 2002/0125311 (Ijichi).

Hubbe is directed to transferring software in a first memory in the subscriber identification card, after the information in the first memory has been updated, to a second memory used in a mobile phone. In Hubbe, the processing means executes commands contained in a short message for updating data contained in the subscriber identification card (first memory) and subsequently transfers data already stored in the first memory to the second memory (see, col. 2, lines 39-44 and col. 4, lines 36-61).

Hägebarth is directed to sending a short message service (SMS) message or an e-mail to inform a customer subsequent to clearing a mobile telephone subscribe-identify module (SIM) card (see, col. 3, lines 35-40 and col. 5, lines 4-9). The SMS message and the e-mail in Hägebarth is simply to inform a customer of the mobile telephone of clearance of the SIM card after the clearance has been implemented and does not teach or suggest the claimed triggering of changes to contents (see discussion of claims below).

The Examiner relies on Rignell as teaching transmission of a request from a portable terminal and sending a SMS or an e-mail. However, Rignell simply generates a support request upon occurrence of predetermined events such as when a user selects a menu item that does not function properly, at a request of the support location, a timely basis, an error event and a status check (see, paragraphs 29, 90 and 102).

The Examiner also relies on Lentz and Ijichi as teaching updating of contents of other storage medium when the other storage medium replaces a storage medium. However, Lentz discusses transfer of a copy of a computer virus to a new piece of software whenever an infected computer system comes into contact with the software (see, col. 1, lines 21-34) and

Ijichi is limited to only overwriting a new IC card when identification information read out of the new IC card matches identification information received earlier from the center apparatus (see, paragraph 87 and Fig. 1). Specifically, neither Lentz nor Ijichi teach changing contents of a built-in memory and an attachable/detachable storage medium using a single setting changing mail as taught by the invention.

Moreover, Lentz discloses general behavior of a computer virus, the claimed judging of the activation timing of the setting changing application and the storage unit in which the setting changing application to be stored (see discussion of claims below) is not obvious from the combination of the general behavior of the computer virus and teachings of the cited references.

The claimed invention changes contents stored in different components (e.g., ME, SIM and IC) of the portable terminal using a single setting changing mail by triggering the changes using a program contained in the mail. In particular, the portable telephone judges the activation timing of the setting changing application received from the remote control center, and determines the storage unit in which the setting changing application is to be stored based on the set-up change identifier appended to the mail containing the setting changing application.

For example, the portable telephone 20 stores the setting changing application in the storage unit 31 in the ME 30 according to the identifier that specifies that the set-up change be effected each time the SIM card is replaced with a new one, after performing the setting changing itself using the setting changing application received from the remote control center 10 (see, page 22, lines 4-11 of the Specification). The portable telephone 20 also detects the replacement of the SIM card with the new one (i.e., the replacement is the timing specified by the identifier) (see, Fig. 5, S503), and performs the same set-up change (see, page 22, lines 12-25 of the Specification).

Moreover, the portable telephone 20 stores the setting changing application in the storage unit 41 in the SIM card 40 according to the identifier that specifies that the set-up change be effected to a new ME each time the SIM card is reinserted into the new ME, after performing the setting changing itself using the setting changing application received from the remote control center 10 (see, page 25, lines 14-21 of the Specification). When the portable telephone 21 (the new ME) detects the insertion of the SIM card 40, it judges whether the setting changing application specifying to effect the same set-up change to a new ME each time the SIM card is reinserted into the new ME is stored in the storage unit 41 in the SIM card 40 (using

the identifier) (see, Fig.6, S605), and activates the setting changing application stored in the storage unit 41 in the SIM card 40.

Independent claim 1, by way of example recites, "sending a single setting changing mail from said external device to said portable terminal in response to the accepted request", where the setting changing mail includes "a computer program determined to be suitable for the portable terminal that triggers changes to contents of the built-in memory together with contents of the storage medium of the portable terminal at a time." Claim 1 further recites, "a setting changing identifier "causes said portable terminal to determine to which memory the computer program should be stored" and "identifies the setting changing mail such that said portable terminal is configured to execute a different function." Claims 11 and 12 recite similar features.

Independent claim 5 recites, "receiving a single setting changing mail sent from said external device in said portable terminal, via the wireless communication link", where the setting changing mail includes "a computer program determined to be suitable for the portable terminal that triggers changes to contents of both the built-in memory and the storage medium of the portable terminal at a time." Claim 5 further recites, "storing the received computer program in said built-in memory if the setting changing identifier specifying to effect a set-up change each time a subscriber identity module card is reinserted into the portable terminal" such that contents of said other storage medium is updated "by running the computer program contained in the setting changing mail stored in said built-in memory" when the storage medium is replaced. Claim 13 recites similar features.

Similarly, claim 22 recites, "storing a setting mail received from an external device in a built-in memory of the portable telephone connected to a telephone network", where the setting mail has "a program determined to be suitable for said portable telephone triggering update to contents of the built-in memory and a storage medium of the portable telephone." Claim 22 also recites that contents of "a new storage medium provided to the portable telephone" are updated "via the program without requiring a comparison of contents stored in the built-in memory with contents of the new storage medium."

The cited references do not teach or suggest the above-discussed features including changing a function of the portable terminal using "a setting mail" having "a program determined to be suitable that triggers changes to contents of the built-in memory [and] the storage medium, as recited in claims 1, 5, 11-13 and 22.

It is submitted that the independent claims are patentable over each of the cited references.

For at least the above-mentioned reasons, claims depending from the independent claims are patentably distinguishable over the cited references. The dependent claims are also independently patentable. For example, claim 7 recites that the storage medium includes "an IC card or a subscriber identity module card issued by a communication provider, each provided with a processor and a memory so that in the collectively updating of the contents, said main body has a processor that updates the contents of said built-in memory by executing the computer program contained in said setting changing mail, and said IC card or subscriber identity module card is updated."

The cited references, alone or in combination, do not teach or suggest the features of claim 7 including changing contents of the storage medium including "an IC card or a subscriber identity module card issued by a communication provider..." using the setting mail (see also independent claim 5, upon which claim 7 depends).

Therefore, withdrawal of the rejection is respectfully requested.

CONCLUSION:

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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